

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 2-8 and 15-20 are pending. In the present amendment, Claims 2, 4, 5, 17, and 18 are currently amended and new Claims 19 and 20 are added. Support for the present amendment can be found in the original specification, for example, at page 13, lines 14-19, at page 25, lines 10-16, at page 28, lines 1-10, at page 32, lines 2-8, at page 36, lines 6-23, in Figures 7, 8, 13, 14, 17a-17d, 24a, 24b, 26, 31a, 31b, 32a, and 32b, and in original Claim 6. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claims 4 and 5 were rejected under 35 U.S.C. § 102(b) as anticipated by Fukushi (Japanese Publication No. 49-12112); Claims 2-4 and 18 were rejected under 35 U.S.C. § 102(b) as anticipated by Shore (U.S. Patent No. 3,462,067); Claim 6 was rejected under 35 U.S.C. § 103(a) as unpatentable over Shore in view of Yuter (U.S. Patent No. 6,238,090); Claims 7 and 17 were rejected under 35 U.S.C. 103(a) as unpatentable over Shore in view of Yutaka (Japanese Publication No. 08-244795); Claim 8 was rejected under 35 U.S.C. § 103(a) as unpatentable over Fukushi in view of Cvacho (U.S. Patent No. 3,269,642); Claim 15 was rejected under 35 U.S.C. § 103(a) as unpatentable over Fukushi in view of Nakamura (Japanese Publication No. 2000-326996); Claim 16 was rejected under 35 U.S.C. § 103(a) as unpatentable over Fukushi in view of Ashton (U.S. Patent No. 3,228,584); Claim 4 was rejected under 35 U.S.C. § 103(a) as unpatentable over Fukushi in view of Ichiro (Japanese Publication No. 02-242750); Claim 8 was rejected under 35 U.S.C. § 103(a) as unpatentable over Fukushi in view of Ichiro, and further in view of Cvacho; Claim 15 was rejected under 35 U.S.C. § 103(a) as unpatentable over Fukushi in view of Ichiro, and further in view of Nakamura; and Claim 16 was rejected under 35 U.S.C. § 103(a) as unpatentable over Fukushi in view of Ichiro, and further in view of Ashton.

Initially, Applicants would like to thank Supervisory Patent Examiner Newhouse and Examiner Morgan for the courtesies extended to Applicants' representative during the interview conducted on December 2, 2008. During the interview, Applicants representative discussed the claimed invention in view of the cited references and presented proposed claim amendments. The Examiners provided suggestions regarding the proposed claim amendments and also discussed the possibility of citing different art in a future rejection based upon the proposed claim amendments. In view of the discussion, the present amendment is hereby presented for formal consideration.

Turning now to the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a), Applicants respectfully request reconsideration of these rejections and traverse these rejections, as discussed below.

Independent Claim 2 recites:

A bag formed of a sheet material, comprising:

a plastically deformable wire-like member attached exclusively along a lateral edge of said bag, the lateral edge having a hem seal formed by heat sealing, the wire-like member being disposed inside a fused joint of a folded back hem seal of said bag with a non-fused portion left between the wire-like member and a surrounding fused portion of the hem seal,

wherein said vertical wire-like member is disposed along the lateral edge inside said folded back hem seal joint such that the folded back hem seal joint is positioned at a top end, at a bottom end, and on at least one side of the vertical wire-like member so as to leave a space from a fused portion of said joint and is disposed exclusively along an upper portion of the hem seal joint of said bag.

Accordingly, in the bag recited in amended Claim 2, the vertical wire-like member is disposed in a non-fused portion (tubular holder) along the lateral edge inside said folded back hem seal joint. Additionally, the folded back hem seal joint is positioned at a top end, at a bottom end, and on at least one side of the vertical wire-like member. Further, a space is left

between the vertical wire-like member and the fused portion of the joint such that the vertical wire-like member in the tubular holder does not have to contact the fused portion of a top end, of a bottom end, or on at least one side thereof. It is respectfully submitted that the cited references do not disclose or suggest every feature recited in amended Claim 2.

Shore describes a plastic container 10 including rods 30 inserted in tubular members 25, 26, 27, and 28 positioned at corners of the plastic container 10.¹

However, it is respectfully submitted that Shore does not disclose or suggest “said vertical wire-like member is disposed along the lateral edge inside said folded back hem seal joint such that the folded back hem seal joint is positioned at a top end, at a bottom end, and on at least one side of the vertical wire-like member so as to leave a space from a fused portion of said joint,” as recited in amended Claim 2.

Instead, as can be seen in Figures 1, 2, and 3 of Shore, the folded back hem seal joint formed by jaws 24 is not positioned at a top end and at a bottom end of the rods 30. Further, although Shore appears to show in Figure 3 a small space between the rod 30 and the tubular member 25 attached to the rod 30, this space is a minute space formed when the member 25 is wound around the rod 30 and fused. Thus, this space is different than the space recited in amended Claim 2 which leaves a space between the vertical wire-like member and the hem seal joint at the top and bottom ends, and on at least one a side of the wire-like member.

Thus, Shore does not disclose or suggest every feature recited in amended Claim 2. Accordingly, it is respectfully requested that the rejection of Claim 2, and all claims dependent thereon, as anticipated by Shore be withdrawn.

Claim 18 recites, in part, a bag, including a plastically deformable wire-like member “wherein said wire-like member is disposed along the lateral edge inside said folded back hem seal joint such that the folded back hem seal joint is positioned at a top end, at a bottom

¹ See Shore, at column 3, lines 46-48.

end, and on at least one side of the wire-like member so as to leave a space from a fused portion of said joint.”

Accordingly, in view of the above discussion of Shore with respect to Claim 2, it is respectfully submitted that Shore does not disclose or suggest every feature recited in amended Claim 18. Thus, it is respectfully requested that the rejection of Claim 18 as anticipated by Shore be withdrawn.

Amended Claim 4 recites:

A gusset bag, comprising:

a pair of main faces and a pair of inward folding side faces being adapted to be opened at a top portion of said gusset bag for taking out contents of the gusset bag while self-standing,

wherein a deformable vertical wire-like member is vertically attached exclusively along each lateral edge of said gusset bag that is an intersection of adjacent main and side faces over a length from an output opening side portion to a body portion of the gusset bag and is disposed exclusively along an upper portion of said gusset bag such that the vertical wire-like member does not extend to a top edge of the gusset bag.

Accordingly, Claim 4 is hereby amended to clarify that the deformable vertical wire-like member “is disposed exclusively along an upper portion of said gusset bag such that the vertical wire-like member does not extend to a top edge of the gusset bag.” Thus, the wire-like member is disposed only along the lateral edge, extending from a little lower than the opening to the body portion. Accordingly, as can be seen in Figures 13 and 14 of the present application, the wire-like member is not disposed in the upper region. Instead, the space in the upper region can be used to seal the upper end of the holder after putting the contents into the bag. Accordingly, this space prevents the sealing operation from deteriorating due to the presence of the wire-like member. It is respectfully submitted that the cited references do not disclose or suggest every feature recited in amended Claim 4.

Fukushi describes a gusset bag 1 including a piece of metal 3, 3' provided as a closure along the opening edge 2 of one or both of the main faces of the gusset bag 1. The piece of metal 3 disposed in the opening fringe of the upper edge is designed for maintaining the opening edge 2 wider. The piece of metal 3' disposed on the side face is designed for folding the opening edge 2 of the bag 1 downward, thereby sealing the opening edge 2.

However, it is respectfully submitted that Fukushi does not disclose or suggest “a deformable vertical wire-like member... is disposed exclusively along an upper portion of said gusset bag such that the vertical wire-like member does not extend to a top edge of the gusset bag,” as recited in amended Claim 4.

Instead, as can be seen in Figures 1-6 of Fukushi, the piece of metal 3, 3' extends all of the way to a top edge of the gusset bag 1. Thus, it is respectfully submitted that Fukushi does not disclose or suggest every feature recited in amended Claim 4. Therefore, it is respectfully requested that the rejection of Claim 4 as anticipated by Fukushi be withdrawn.

Claim 5 is hereby amended to be in independent form. Additionally, Claim 5 recites, in part, “a deformable vertical wire-like member vertically attached along each lateral edge of said gusset bag that is an intersection of adjacent main and side faces over a length from an output opening side portion to a body portion of the gusset bag and is disposed along an upper portion of said gusset bag such that the vertical wire-like member does not extend to a top edge of the gusset bag when the pair of main faces is not folded and the pair of side faces is folded inwardly.” Accordingly, it is respectfully submitted that Claim 5 patentably defines over Fukushi for at least the reasons discussed above with respect to Claim 4.

Further, the Office Action relies on Figure 6 of Fukushi as illustrating a lateral wire-like member attached to the side face to form an inverted angular “U” along the top of the side face. However, Figure 6 of Fukushi only illustrates that the bag is sealable by folding it into halves from the main face direction, and thus the “U” shown in Figure 6 of Fukushi is

not formed with the side faces. Additionally, when the bag in Fukushi is not folded such that the pair of main faces is not folded as shown in Figures 1-3, then the vertical wire-like member is not attached along an edge of the side face. Therefore, it is respectfully requested that the rejection of Claim 5 as anticipated by Fukushi also be withdrawn.

In response to the rejection of Claim 4 as anticipated by Shore, as can be seen in Figures 1-3 of Shore, Shore also describes that the rods 30 extend to a top edge of the plastic container 10. Accordingly, it is respectfully submitted that Shore does not disclose or suggest every feature recited in amended Claim 4. Thus, it is respectfully requested that the rejection of Claim 4 as anticipated by Shore be withdrawn.

Applicants note that Claim 17, while directed to an alternative embodiment, recites “that the wire-like member does not extend to a top edge of the plastic bag.” Accordingly, it is respectfully submitted that the arguments regarding Shore and Fukushi provided above with respect to Claim 4 also apply with respect to independent Claim 17.

Turning now to the remaining rejections in the Office Action, it is noted that the remaining rejections all rely on either Fukushi or Shore as the primary reference. Further, it is respectfully submitted that none of the secondary references (Yuter, Yutaka, Cvacho, Nakamura, Ashton, and Ichiro) cure the above noted deficiencies of Shore and Fukushi. Specifically, regarding the bag shown in Figure 1 of Ichiro, the wire-like member is disposed in the side edge from the upper end of the opening to the halfway of the body portion. Ichiro focuses on the laborious problem in the art of sealing a bag by using another method such as a rubber band or by reheat-sealing, and has solved the problem by a simple operation of “twisting” the upper end thereby to seal the bag, as shown in Figure 2. To achieve this result, Ichiro describes that it is necessary to continuously extend the wire-like member from the opening a certain length. On the contrary, the claimed invention requires space for disposing

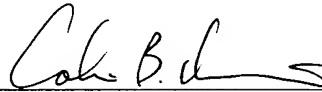
the hem seal in the upper end. Accordingly, it is respectfully requested that all of the rejections under 35 U.S.C. § 103(a) be withdrawn.

New Claims 19 and 20 are added by the present amendment. Support for new Claims 19 and 20 can be found in the original specification, for example, at page 32, lines 2-8, in Figures 24(a) and 24(b), and in original Claim 6. Thus, it is respectfully submitted that no new matter is added. Further, it is noted that new Claims 19 and 20 depend on independent Claims 2 and 18, respectively. Accordingly, it is respectfully submitted that new Claims 19 and 20 patentably define over the cited references for at least the reasons discussed above with respect to Claims 2 and 18.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Richard L. Chinn, Ph.D.
Attorney of Record
Registration No. 34,305

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Colin B. Harris
Registration No. 58,969